

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Westfield Insurance Company,

Plaintiff,

Civil No. 10-151 (JMR/JJG)

v.

**ORDER ON REPORT AND
RECOMMENDATION**

Robinson Outdoors, Inc.,

Defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that that Plaintiff's Motion to Dismiss Count Three of Defendant's Counterclaim (Doc. No. 10) is **GRANTED**, and that the third amended counterclaim is **DISMISSED WITHOUT PREJUDICE**

Dated: June 10, 2010

s/James M. Rosenbaum
JAMES M. ROSENBAUM
United States District Judge